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August 3, 2009

BY ECF

Hon. Roanne L. Mann  
United States Magistrate Judge  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

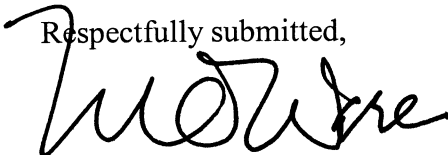
Re: Ross University School of Medicine  
v. Brooklyn-Queens Health Care  
Case No. 09 Civ. 1410 (KAM) (RLM)

Dear Judge Mann:

At last week's initial conference, the parties were granted through this Wednesday, August 5, to suggest when the Court ought to schedule a settlement conference. In the course of telephone calls today chiefly devoted to ESI issues, the parties reached agreement that the conclusion of fact discovery, scheduled for May 31, 2010, is likely to represent the most propitious moment for the settlement conference.

As of last week the parties had not stipulated to a maximum number of experts to be called at trial, and the Court accordingly determined to defer to the settlement conference the scheduling of expert proceedings. The parties have since agreed to a limit of five retained experts per side, and request the Court's approval of jointly-proposed deadlines for expert disclosure. (Setting the disclosure deadlines now, and not at the settlement conference in late-spring, will facilitate detailed scheduling going into next summer.) The parties propose that plaintiff's Fed. R. Civ. P. 26(a)(2)(B) reports be due June 15 and defense reports July 15, 2010, with any rebuttal reports due 30 days after delivery of the reports to which they respond, as contemplated by Rule 26(a)(2)(C)(ii). Depositions of retained experts, including rebuttal experts, are to be completed by August 31, 2010.

Respectfully submitted,



Michael O. Ware

cc: Serena Boscia Montalbano, Esq.  
(Greenberg Traurig LLP)